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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,956	05/01/2007	Thorsten Lohmar	P19248-US1	8416

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ERICSSON INC.
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EXAMINER
RECEK, JASON D

ART UNIT	PAPER NUMBER
2442	

NOTIFICATION DATE	DELIVERY MODE
11/10/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2010*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16 and 22-27* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16 and 22-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This is in response to the amendments filed on July 6th 2010.

Status of Claims

Claims 1-16 and 22-27 are pending.

Response to Arguments

1.   Applicant's arguments, see pg. 7-11, with respect to the rejection(s) of claim(s) 1-
16 and 22-27 under 103(a) have been fully considered and are persuasive. Therefore,
the rejection has been withdrawn. However, upon further consideration, a new
ground(s) of rejection is made in view of Byers US 2009/0248843 A1.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can
be found in a prior Office action.

3.   Claims 1-5, 7-16 and 22-27 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Tatsumi et al. US 2002/0095635 A1 in view of Byers US
2009/0248843 A1.

Regarding claim 1, Tatsumi discloses "the broadcaster transmitting the content data simultaneously to the plurality of clients via an unreliable downlink-only communications pathway" as broadcasting data through a broadcasting path (downlink-only) which is not error-free (paragraph 19, Fig. 1 item 121) and "coupling the plurality of clients to a proxy server to initiate post-processing transactions" clients contain functionality for post processing transactions such as retransmission request (Fig. 1, paragraphs 19-22), "the broadcaster communicating with the proxy server to provide sufficient information to handle any of the port-processing transactions requested" retransmission is a post-processing transaction (Fig. 6, paragraphs 20-21), "determining … available proxy servers" and "contacting … the selected proxy server" as selecting a path (paragraph 26).

Tatsumi does not explicitly disclose a "the plurality of clients is different from the plurality of proxy servers" however this is taught by Byers as a plurality of proxy servers that are separate from the client (Fig. 3). Proxy servers are well known in the art and yield predictable results (as evidenced by Byers). Thus this is merely the combination of known elements according to their established function in order to yield a predictable result.

Tatsumi also does not explicitly disclose "randomly selecting, by each of the plurality of clients, one of the plurality of available proxy servers" however this is taught by Byers as randomly selecting a proxy server from a proxy server list (paragraph 38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tatsumi with the random selection feature taught by Byers for the purpose of

choosing a proxy server from a plurality of proxy servers. Random selection is one type

of load balancing scheme. Byers teaches that by randomly selecting proxy servers a

large number of requests may be processed in parallel (paragraph 7).

Regarding claim 2, Tatsumi discloses "contact intervals ... specifying the time

period in which the proxy servers may be contacted" as specifying a retransmission

waiting time (paragraphs 121-124).

Regarding claim 3, Tatsumi discloses "sending ... information pertaining to

content data that has or has not been correctly received" (paragraph 117).

Regarding claim 4, Tatsumi discloses "sending ... information to reconstruct the

content data" (paragraphs 157-158).

Regarding claim 5, Tatsumi discloses "sending ... a notification that the content

data was either successfully or unsuccessfully received" (paragraph 118).

Regarding claim 7, Tatsumi discloses "prompts within the content data"

(paragraph 114).

Regarding claim 8, Tatsumi discloses "purchase of an object or service"

(paragraph 114).

Regarding claim 9. Tatsumi discloses "a request to obtain additional content data" (paragraph 97).

Regarding claim 10, Tatsumi discloses "a URL within ... the data" (paragraph 65).

Regarding claim 11, Tatsumi does not explicitly disclose "providing, by the broadcaster to each of the proxy servers, at least a portion of the content data" however this is suggested by Tatsumi as transferring data to the retransmitting (proxy server) for the purpose of retransmitting (paragraph 157). Byers also teaches this as providing data from the web server (i.e. broadcaster) to the proxy server (Fig. 3).

Regarding claim 12, Tatsumi discloses "information ... is in embedded in the broadcast" (paragraph 64).

Regarding claim 13, Tatsumi discloses "contact intervals ... is embedded in the broadcast" as a receiving end time which indicates the beginning of a contact interval (paragraph 65).

Regarding claim 14, Tatsumi discloses "selection based on an attribute of the plurality of clients" (paragraph 98).

Regarding claim 15, Tatsumi discloses "multicast" (paragraph 68).

Regarding claim 16, Tatsumi does not explicitly disclose "adjusting the number of available proxy servers ... based on the number of post-processing transactions" however it is well known in the art to adjust resources based on usage requirements and thus the modification of Tatsumi to adjust the number of retransmitting stations (proxy servers) based on demand is merely applying that which is well known in the art in order to yield a predictable result (system capability to handle required load).

Regarding claims 22, and 25, they are apparatus claims that correspond to the method of claim 1, therefore they are rejected for similar reasons.

Regarding claim 23, it corresponds to the method of claim 2, therefore it is rejected for similar reasons.

Regarding claim 24, Tatsumi discloses "determines one or more post-processing transactions" as setting a retransmission request permission (paragraph 64).

Regarding claim 26, it corresponds to claim 1 (i.e. determining, selecting, contacting), since those functions are performed by the client. Therefore, the corresponding parts are rejected for similar reasons. Tatsumi also discloses "a reception unit for receiving broadcasted content" (Fig. 6).

Regarding claim 27, Tatsumi discloses "specifying the time period in which the

proxy servers may be contacted after the broadcast" start time and end time (paragraph

64), "contact unit for contacting the selected proxy server contacts the selected proxy

server to initiate post-processing at the specified time period" contact selection unit for

retransmission (i.e. post-processing) at time specified (paragraphs 26, 98), and

"selection unit for randomly selecting the delay time" set retransmission waiting time

(Fig. 12).

4.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsumi

and Byers in view of Hudson et al. US 2003/0204613 A1.

Regarding claim 6, the combination of Tatsumi and Byers does not explicitly

disclose "a digital rights manager" however this is taught by Hudson (paragraph 70). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Tatsumi with the DRM taught by Hudson for the purpose of distributing content.

A DRM is well known in the art and yields predictable results (as evidenced by Hudson).

Thus the combination is merely the combination of known elements according to their

established function in order to yields a predictable result.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Buddhikot et al. US 2002/0007392 A1 discloses random proxy server selection

(paragraph 32).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JASON RECEK whose telephone number is (571)270-

1975. The examiner can normally be reached on Mon - Fri 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Recek/   /KEVIN BATES/
Examiner, Art Unit 2442   Primary Examiner, Art Unit 2456
(571) 270-1975